

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CEOLA WILLIAMS and NICHOLE
CHAN,

Plaintiffs,

v.

GLOBAL SECURITY SOLUTIONS, INC.
and NEIGHBORHOOD ASSOCIATION
FOR INTER-CULTURAL AFFAIRS,
INC., a.k.a. N.A.I.C.A., Inc.,

Defendants/
Cross-Claimants.

Civil Action No. 1:20-cv-09871-AJN

**DEFENDANT NEIGHBORHOOD
ASSOCIATION FOR INTER-CULTURAL
AFFAIRS, INC.'S ANSWER TO GLOBAL
SECURITY SOLUTIONS, INC.'S
CROSSCLAIMS AND CROSSCLAIM**

Defendant/Cross-Claimant Neighborhood Association for Inter-Cultural Affairs, Inc. (“NAICA”), by and through its undersigned counsel, hereby responds to the allegations of the Crossclaims of Defendant/Cross-Claimant Global Security Solutions, Inc. (“Global Security”), in response to the separately numbered paragraphs thereof, as follows:

ANSWER AS TO “FIRST CROSSCLAIM”

(Common Law Indemnification)

1. NAICA denies the allegations of paragraph 116.
2. NAICA denies the allegations of paragraph 117.

ANSWER AS TO “SECOND CROSSCLAIM”

(Common Law Contribution)

3. NAICA denies the allegations of paragraph 118.
4. NAICA denies the allegations of paragraph 119.

ANSWER AS TO THE “WHEREFORE” CLAUSE

NAICA denies the allegations of the “Wherefore” clause (including subparagraphs A through D of said clause) set forth as an unnumbered paragraph following Paragraph 119, and NAICA denies that Global Security is entitled to any of the relief requested therein, or to any other relief.

SEPARATE DEFENSES

Without assuming the burden of proof on any issue as to which the burden of proof is on Global Security under applicable law, NAICA asserts the following defenses:

First Separate Defense

The Crossclaims, in whole or in part, fail to state a claim upon which relief may be granted.

Second Separate Defense

The Crossclaim for indemnification is barred, in whole or in part, because no special relationship giving rise to common law indemnification exists between NAICA and Global Security.

Third Separate Defense

The Crossclaim for contribution is barred, in whole or in part, because NAICA is not jointly or severally liable with Global Security under Title VII, the New York City Human Rights Law, or the New York State Human Rights Law.

Fourth Separate Defense

The Crossclaim for indemnification is barred, in whole or in part, because Global Security is not without fault and its liability, if any, to Plaintiffs is not purely constructive, secondary, or vicarious.

Fifth Separate Defense

Without conceding that NAICA is liable for any portion of any damages awarded as against Global Security, NAICA exercised reasonable care to prevent or promptly correct any alleged

unlawful behavior.

Sixth Separate Defense

Without conceding that NAICA is liable for any portion of any damages awarded as against Global Security, Global security has failed to mitigate or minimize here alleged damages.

By their own acts and conduct, Global Security is estopped and barred from asserting the Crossclaims.

Seventh Separate Defense

The Crossclaims are barred, in whole or in part, by the doctrines of laches and waiver.

Eighth Separate Defense

The Crossclaims are baseless and without merit or legal foundation and, as a result, NAICA is entitled to recover its reasonable attorneys' fees and costs incurred herein.

RESERVATION

NAICA hereby expressly reserves and does not waive the right to assert any and all defenses at such time and to such extent as discovery and factual developments establish a basis therefor.

WHEREFORE, NAICA demands judgment in its favor and respectfully request the Court to:

- (1) dismiss Global Security's Crossclaims as against NAICA in their entirety, and with prejudice;
- (2) award NAICA all of its legally recoverable costs, fees and expenses, including attorney's fees, incurred in defending this case; and
- (3) grant NAICA such further relief that the Court deems appropriate.

K&L GATES LLP

Attorneys for Defendant/Cross-Claimant
Neighborhood Association for Inter-Cultural
Affairs, Inc.

Dated: March 2, 2021

By: /s/ George P. Barbatsuly
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CROSSCLAIM

Defendant/Cross-Claimant Neighborhood Association for Inter-Cultural Affairs, Inc. (“NAICA”), for its Crossclaim against Defendant/Cross-Claimant Global Security Solutions, Inc. (“Global Security”) states the following:

FACTUAL BACKGROUND

1. NAICA is a non-profit organization providing housing intervention and assistance services, including housing, legal, and social support services.
2. NAICA contracted with Global Security to furnish security services, including the assignment of security guards at various NAICA locations.
3. No contractual right to indemnification exists as between NAICA and Global Security.
4. Plaintiffs Nichole Chan and Ceola Williams (collectively, “Plaintiffs”) were employed by Global Security.
5. At all times relevant to this matter, Global Security assigned Plaintiffs to NAICA’s Casa de Carino location.
6. At no point in time were Plaintiffs NAICA employees.
7. At no point in time was NAICA a joint employer with Global Security.

COUNT I

(Contribution)

8. Although NAICA denies any liability whatsoever to Plaintiffs, NAICA nonetheless asserts that in the event and to the extent that NAICA is found liable to Plaintiffs, NAICA is entitled to contribution from Global Security for any and all sums that may be adjudged by NAICA. Any liability owed by NAICA to Plaintiffs under the Complaint is owed jointly by Global Security as Plaintiffs’ employer.

WHEREFORE, NAICA demands judgment against Global Security awarding NAICA damages, including but not limited to, the amount of any judgment (including pre-judgment interest, post-judgment interest, costs and fees) in favor of Plaintiffs and against NAICA in this matter, costs, interest, attorneys' fees, and such other relief as this Court deems equitable and just.

K&L GATES LLP

Attorneys for Defendant/Crossclaimant
Neighborhood Association for Inter-Cultural
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Dated: March 2, 2021

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CERTIFICATE OF SERVICE

I hereby certify that on this date, I caused the within Answer to Global Security's Crossclaims and Crossclaim against Global Security to be electronically filed with the Clerk of the Court and served on all counsel of record using the CM/ECF system.

Respectfully submitted,

K&L GATES LLP

Attorneys for Defendant/Crossclaimant
Neighborhood Association for Inter-Cultural
Affairs, Inc.

Dated: March 2, 2021

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